

PATENT

Serial No. 10/575,424

Amendment in Reply to Final Office Action of September 28, 2010

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated September 28, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 17-32 are pending in the Application. Claims 17, 20 and 25 are independent claims.

In the Final Office Action, claims 24 and 31 are objected to for informalities. In response these claims are amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of this objection is respectfully requested.

In the Final Office Action, claims 17, 18, 20, 22, 24, 25, 27-29, 31 and 32 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. Publication No. 2004/0001697 to Kumbayashi ("Kumbayashi") in view of U.S. Patent No. 6,470,085 to Uranaka ("Uranaka"). Claim 19 is rejected under 35 U.S.C. §103(a) over Kumbayashi in view of Uranaka and further in view of U.S. Patent No. 5,754,648 to Ryan ("Ryan"). Claims 21 and 26 are rejected under 35 U.S.C. §103(a) over Kumbayashi in view of Uranaka and further in view of U.S. Patent Publication No. 2002/0073316 to Collins ("Collins"). Claims 23 and 30 are rejected under 35 U.S.C. §103(a) over Kumbayashi in view of Uranaka and further in view of U.S. Patent Publication No. 2004/0126095 to Tsumagari ("Tsumagari"). These rejections of the claims are respectfully traversed. It is respectfully submitted that claims 17-32 are allowable over Kumbayashi in view of Uranaka alone and in view of Ryan, Collins, and Tsumagari for at least the following reasons.

As was previously argued, authentication of any computing device on the network is not the same as authentication of media content downloaded from that computing device. While the computing device might be authentic, the media content residing on that computing device might be compromised. Kumbayashi describes a prestored "public key P_k corresponding to the server secret key S_k ", (see, Kumbayashi, paragraphs [0216] and [0239]). Accordingly, claim 20 is amended to clarify that "the public key is used for authenticating external media content having a private key". It is respectfully submitted that these amendments to the claims present no new issues requiring further search as the subject matter presented by the amended claims is provided in previously presented claims. The amendments to the claims is provided to place the claims in better condition for allowance and/or consolidate and reduce issues that may be pending thereafter for appeal. Accordingly, consideration and entrance of the amendments is respectfully requested.

Regarding Kumbayashi, because Kumbayashi stores a public key to authenticate servers, it does not teach, disclose, or suggest the "optical disk" recitation of for example claim 17. For an illustrative discussion of this claim recitation, see page 4, lines 3-11 of the present application.

Further, a close examination of the Figures and paragraphs [0205], [0209], [0212], [0216], [0240], and [0246] of Kumbayashi did not reveal a suggestion of "each external media content having an added private key associated with at least one stored media content". In fact, as argued above, Kumbayashi teaches the opposite, its media content

does not include any authentication keys, instead the server key is used to authenticate all media that is stored on that server.

Moreover, the paragraphs [0216]-[0221] and [0231-244] referenced in the Final Office Action and the rest of Kumbayashi do not teach, disclose, or suggest verifying "the authenticity of the downloaded external media content using the public key read-out from the optical disk and the added private key of the downloaded external media content", as for example recited in claim 20. While it is admitted at page 9 of the Final Office Action that Kumbayashi does not teach reading the public key from the optical disk, it is respectfully submitted that Kumbayashi does nothing to suggest "added private key of the downloaded external media content". Also see the arguments above and in the responses to the previous Office Actions with regard to the authentication of the external content independent of the authenticity of the computing devices, e.g., servers, on which such external content resides.

The Final Office Action references Uranaka only for disclosing "a public key is read from the optical disk". However, it is respectfully submitted that this is not sufficient to remedy the above discussed deficiencies of Kumbayashi. As already argued in response to the previous Office Action, Uranaka describes a server public key, e.g., distribution descriptor 23 recorded in the burst cutting area of the DVD, (see, Uranaka, col. 12, lines 12-15) for verifying authenticity of a specific server. As such, it is respectfully submitted that Uranaka does not cure the deficiencies Kumbayashi and in fact, shares the shortcomings of Kumbayashi in teaching authentication of a server.

It is respectfully submitted that the system of claim 20 is not anticipated or made

obvious by the teachings of Kumbayashi in view of Uranaka. For example, Kumbayashi in view of Uranaka do not teach, disclose or suggest, (illustrative emphasis added) "an optical disk driver unit to read-out stored media content and a public key provided on an optical disk on which the stored media content is stored, the public key is used for authenticating external media content having an added private key; a network interface to download one or more external media content, each external media content having the added private key associated with at least one stored media content, the one or more external media content provided on one or more computing devices distributed on a network; and a control system to verify the authenticity of the downloaded external media content using the public key read-out from the optical disk and the added private key of the downloaded external media content before the stored media content is played in coordination with the associated downloaded external media content, wherein the authenticity of the external media content is verified independent of the authenticity of the one or more computing devices on which the external media content is provided" as recited in claim 20 and as similarly recited in each of claims 17 and 25.

Ryan, Collins, and Tsumagari are introduced for allegedly showing elements of the dependent claims and as such, do not cure the deficiencies in Kumbayashi in view of Uranaka.

Based on the foregoing, the Applicants respectfully submit that independent claims 17, 20, and 25 are patentable over Uranaka in view of Tsumagari and notice to this effect is earnestly solicited. Claims 18-19, 21-24, and 26-32 respectively depend from one of claims 17, 20, and 25 and accordingly are allowable for at least this reason as well as for the

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separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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